

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES A. BIGELOW,

Plaintiff,

vs.

NORTHWEST TRUSTEE SERVICES,
INC.; GREEN TREE SERVICING, LLC;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, Inc.;
WRIGHT, FINLAY & ZAK, LLP; TICOR
TITLE COMPANY; NATIONWIDE TITLE
CLEARING; FIRST AMERICAN TITLE
INSURANCE COMPANY; RENEE
PARKER; and DOE DEFENDANTS 1 – 20,

Defendants.

GREEN TREE SERVICING, LLC,

Counter-Plaintiff,

vs.

JAMES A. BIGELOW and CAROLYN
BIGELOW, Husband and Wife; WELLS
FARGO BANK, N.A.; OAK RIDGE YELM
HOME OWNERS ASSOCIATION, a non-
profit corporation; and ALL PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, ESTATE, LIEN, OR
INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT

Case No.: 3:14-cv-05798-BHS

**MOTION TO DISMISS COUNTER-
CLAIM AND THIRD PARTY
COMPLAINT DUE TO LACK OF
JURISDICTION**

NOTED FOR MOTION CALENDAR
MARCH 27, 2015

MOTION TO DISMISS
Case No.: 3:14-cv-05798-BHS

James A. Bigelow
7916 Southwind Circle
Huntington Beach CA 92648
360-790-2568

1 HEREIN,

2 Counter-Defendants.

3
4 NOW COMES the Counter-Defendant, James A. Bigelow, who files this Motion to
5 Dismiss the GTS Counter-Claim for judicial foreclosure due to lack of jurisdiction and states
6 as follows:

- 7 1. Alleged counsel for GTS has filed a counter-claim and third party complaint for a judicial
8 foreclosure (Dkt. 26). Judicial foreclosures are a State issue and the District Court for
9 Western Washington lacks jurisdiction. "The Superior Court shall have original
10 jurisdiction in all cases at law which involve the title or possession of real property."
11 (Washington State Constitution, Title IV, Section 6).

12
13 WHEREFORE, the Counter-Defendant, James A. Bigelow, moves this Court to dismiss
14 the counter-claim and third party complaint for judicial foreclosure.

15 Dated this 11th Day of March, 2015

16
17 /s/ James A. Bigelow
James A. Bigelow

18
19 **CERTIFICATE OF SERVICE**

20 I CERTIFY UNDER PENALTY OF PERJURY under the laws of the State of
21 Washington that the foregoing is true and correct and that a copy of the foregoing has been
electronically provided to Renee M. Parker, Esq., and Joseph H. Marshall, Esq.

22 Executed this 11th day of March, 2015.

23
24 /s/ James A. Bigelow
James A. Bigelow

25
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